



**US Army Corps
of Engineers
Portland District**

SECTION 206

Authority for: AQUATIC ECOSYSTEM RESTORATION

WHAT CAN THE CORPS DO? Section 206 of the Water Resources Development Act of 1996, provides authority for the Corps to restore aquatic ecosystems. A project is accepted for construction after a detailed investigation shows it is technically feasible, environmentally acceptable, and provides cost effective environmental benefits. Each project must be complete within itself, not a part of a larger project. The maximum federal expenditure per project is \$5 million, which includes both planning and construction costs. Project costs are shared 65 % federal, 35 % non-federal. Costs of lands, easements, and rights-of-way are non-federal and are creditable towards the 35 % non-federal cost share. Section 206 also allows credit for certain works in-kind, including design work, provision of materials, and construction activities. Contributions, such as volunteer labor, can also be accepted to reduce the overall project cost. The non-federal sponsor must assume responsibility for operation and maintenance of the project upon completion.

The Corps does restoration projects in areas that affect water, such as rivers, lakes, and wetlands. We evaluate projects that benefit the environment through restoring, improving, or protecting aquatic habitat for plants, fish and wildlife.

After a State or local agency requests a potential project, the Corps will conduct a preliminary study to determine if the problem may have a federal interest. If the Corps' headquarters office approves this effort, a feasibility study begins at federal expense. In the feasibility study the problem is defined, potential solutions are identified, the costs, benefits, and environmental impacts of the alternatives are analyzed, and a plan is chosen. In addition to the study, a draft project cooperation agreement (PCA) is drawn up by which the federal government and the sponsor agree to share project costs. No more than 2 years should pass between the start of the study and the time the project is ready for construction. Projects with an estimated federal cost of \$300,000 or less may be expedited allowing for a project to be completed in 18 months or less.

WHAT ARE THE LOCAL RESPONSIBILITIES? Costs for Section 206 projects are shared between the federal government (65%) and a non-federal sponsor (35%) in accordance with the Water Resources Development Act of 1996. Sponsors must be public agencies that have the legal and financial capability to fulfill the requirements of cost sharing and local cooperation. The sponsor generally must agree to the following:

- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional cash contributions needed to make the local sponsor's share of the cost 35 percent.
- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;

- Provide all access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance;
- Comply with provisions of pertinent federal acts in carrying out the specified non-federal responsibilities of the project;
- Contribute in cash the local share of project planning and construction cost;
- Maintain and operate all the non-federal works after completion in accordance with regulations prescribed by the Secretary of the Army;

HOW CAN A STUDY BE REQUESTED? We may begin a Section 206 study after we receive a written request from the prospective sponsor. A sample letter is offered below.

*U.S. Army Corps of Engineers, Portland District
ATTN: Planning
P.O. Box 2946
Portland, Oregon 97208-2946*

Dear Sir:

This letter is to request the U.S. Army Corps of Engineers to conduct a study under Section 206 of the Water Resources Development Act of 1996 to determine the feasibility of an aquatic ecosystem restoration project at (location).

(Briefly describe the nature of the aquatic ecosystem restoration and any issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)

It is understood that, if it is found feasible and advisable to develop an aquatic ecosystem restoration project at (location), the (non-federal sponsor) would be required to provide the local cooperation and cost sharing prescribed by the Secretary of the Army.

*Sincerely,
(Name and title of public official authorized to request study)*

For more information, contact Ms. Tyrae Mahan, Special Programs Manager,
at (503) 808-4733 or Email: Tyrae.Mahan@usace.army.mil